

REMARKS

Claims 38, 41-43, 45, 46, 48-59, 61, 62, 65, 66, 69-71, 73, 74, 76-86, 89, 90, 93, 116-124 and 131-133 are pending in the present application. By virtue of this response, new claims 134-139 have been added. Support for new claims 134-136 is found in the specification, such as in paragraphs [0009], [0036], and [0040]. Support for new claim 137 is found in the specification, such as in paragraph [0012]. Support for new claims 138 and 139 is found in the specification, such as in paragraphs [0013] and [0041]. Accordingly, claims 38, 41-43, 45, 46, 48-59, 61, 62, 65, 66, 69-71, 73, 74, 76-86, 89, 90, 93, 116-124, and 131-139 are currently under consideration.

With respect to all claim amendments, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in a future continuation and/or divisional application.

Telephone Interview

Applicants thank Examiner Christina Bradley for extending the courtesy of a telephone interview with Applicants' representative Jie Zhou on September 26, 2011. During the interview, the double patenting rejections were discussed, and Examiner indicated that the reexamination of U.S. Patent No. 7,307,148 does not affect the double patenting rejections.

Double Patenting

Claims 38, 41, 43, 45, 46, 48-59, 61, 62, 65, 66, 69-71, 73, 74, 76-86, 89, 90, 93, 116-124 and 131-133 are rejected on the grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 25 of U.S. Patent No. 7,307,148.

Claims 42 is rejected on the on the grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 25 of U.S. Patent No. 7,307,148 as applied to claims 38, 41, 43, 45, 46, 48-59, 61, 62, 65, 66, 69-71, 73, 74, 76-86, 89, 90, 93, 116-124 and 131-133 above, and further in view of Vajo et al. (Endocrine Rev., 2001, 22, 706-717).

Applicants respectfully traverse the rejections and reiterate arguments submitted in the previous response. However, in the interest of expediting prosecution, Applicants submit herewith a Terminal Disclaimer disclaiming the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 7,307,148. The obviousness-type double patenting rejection is thus obviated.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the nonstatutory obviousness-type double patenting rejection over claim 25 of U.S. Patent No. 7,307,148.

With respect to the Terminal Disclaimer submitted herewith, Applicants respectfully note that the disclaimer is filed with the understanding that it raises neither a presumption nor estoppel on the merits of the rejections. See MPEP 804.02, citing *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **655772001000**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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